

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

April 5, 2012

8:30 A.M. ROLL CALL

Invocation by Lead Pastor Dale Oquist of the People's Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Borgeas - **Presented**

GAP Foundation check presentation in the amount of \$25,000 to Fresno United Neighborhoods and PARCS Department in support of Fresno BEST (Building Everyone's Skills for Tomorrow) - **Presented**

Introduction of Brandi Orth, the Fresno County Clerk, who will provide an update on the June 5, 2012 Election –
Introduction made/update given

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of March 29, 2012

Action Taken: **Approved**

Approve Fresno Revitalization Corporation (FRC) minutes of [March 22, 2012](#)

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **made**

Approve Agenda

Action Taken: **Approved, as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. [Affirm adoption of a Mitigated Negative Declaration for Plan Amendment No. A-09-10 and Rezone No. R-09-20 prepared for Environmental Assessment No. A-09-10/R-09-20 \(*Property located in District 2*\) – Public Works Department](#)

Action Taken: **Affirmed**

1. **RESOLUTION** – Approving the summary vacation of portions of Allen Avenue and Shepherd Street located at the southeast corner of Herndon and Bryan Avenues

Action Taken: **Resolution No. 2012-61 adopted**

- B. [Affirm the Council's November 3, 2011 upholding of the Historic Preservation Commission's June 27, 2011 approval of the Environment Findings and Determination of the Mitigated Negative Declaration dated June 6, 2011, which was prepared for Environmental Assessment No. C-11-014/T-5994 for Conditional Use Permit No. C-11-014 and Vesting Tentative Map No. 5994 \(*Property located in District 3*\) – Public Works Department](#)

Action Taken: **Rescheduled for 4/19/12**

1. **RESOLUTION** – Approving the summary vacation of a portion of San Joaquin Street northeasterly of "L" Street and a portion of "L" Street northwesterly of San Joaquin Street

- C. [Authorize modifications to the previously approved assignment/assumption of the City Neighborhood Stabilization Program agreement from the Fresno Revitalization Corporation/FRC Canyon Crest, LLC to Roem Development Corporation regarding the affordable multi-family housing project located at 3011-3057 E. Platt Avenue and 206-210 S. Callisch Street, including substitution of Canyon Crest Family Apartments, L.P. as assignee; and authorize the City Manager to sign all implementing documents as approved to form by the City Attorney – Development and Resource Management Department](#)

Action Taken: **Authorized**

CONTESTED CONSENT CALENDAR

9:00 A.M. GENERAL ADMINISTRATION

- A. Agreement for professional consulting services with Kimley-Horn and Associates, Inc., of Reno, NV to provide design and construction administration for the extension of Runway 11L/29R project (Runway Safety Area Compliance Program Phase 2) at Fresno Yosemite International Airport (FYI) in the amount of \$615,000 – Airports Department
Action Taken: Approved
- B. **RESOLUTION** - Rescinding Resolutions 2012-15, 2012-50 and 2012-51 regarding the formation of a Special Tax District (Community Facilities District No. 16) and the levy of a special tax therein; and declaring the intention of the Council of the City of Fresno to establish Community Facilities District No. 16 and to authorize levy of a special tax for the maintenance of certain public improvements associated with the Universally Accessible Park
Action Taken: Resolution No. 2012-62 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. **HEARING** to consider a resolution of public use and necessity for acquisition of permanent street easements and rights of way for public street purposes from the following parcel of real property located along Ashlan Avenue between Blythe Avenue and Cornelia Avenue in the City of Fresno: APN 511-171-11 owned by Thelma Jean Burrow, Theodore M. Nella Jr. and Danny Charles Burrow as trustees of the Thelma Jean Burrow living trust dated May 15, 2006 and any amendments (***Property located in District 1***) – Public Works Department
Action Taken: Held
- a. * **RESOLUTION** – Determining that public interest and necessity require acquisition of an easement and right-of-way for public purposes over, under, through and across a portion of APN: 511-171-11S, owned by Thelma Jean Burrow, Theodore M. Nella, Jr., and Danny Charles Burrow, trustees of the Thelma Jean Burrow living trust dated May 15, 2006 for the construction of improvements and widening and related purposes of Ashlan Avenue between Blythe Avenue and Cornelia Avenue and authorizing eminent domain proceedings for public use and purpose (***Requires 5 affirmative votes***)
Action Taken: Resolution No. 2012-63 adopted
- 10:15 A.M. **HEARING** to consider Site Plan Review No. S-11-081 and environmental findings filed by Precision Engineering pertaining to property located on the north side of W. Shaw Avenue between N. Gates and W. Jennifer Avenues – (***Property located in District 2***) - Development and Resource Management Department
Action Taken: Held
- a. Consider and adopt the environmental finding of a Categorical Exemption prepared for Environmental Assessment No. S-11-081
Action Taken: Considered
- b. **RESOLUTION** - Approving Site Plan Review Application No. S-11-081 subject to the revised conditions of approval dated April 5, 2012
Action Taken: Resolution No. 2012-64 adopted

10:30 A.M.

CITY COUNCIL

A. COUNCIL COMMUNICATIONS & ASSIGNMENTS

1. Council of Governments (COG) Swearengin, Ex-Officio/Alternate-Borgeas
Financial Audit Committee Borgeas, Brand, Olivier
Fresno Area Workforce Investment Corporation Swearengin, Baines
Fresno County Transportation Authority (FCTA) Swearengin, Borgeas
Fresno Regional Workforce Investment Board Swearengin, Baines
Fresno County Zoo Authority Swearengin, Alternate – Baines
Fresno Madera Agency on Aging Board Olivier
Joint Powers Financing Authority Olivier
Leadership Council on Ending Homelessness Swearengin, Baines
Public Safety Joint Powers Authority Swearengin, Olivier
San Joaquin River Conservancy Board Swearengin, Alternate – Westerlund
The Association for the Beautification of Highway 99 Baines
Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
Pension Reform Task Force Borgeas, Xiong, Brand
Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
Fresno City & County Convention & Visitors Bureau (FCVB) Swearengin, Vacant
League of California Cities (Annual Meeting) Swearengin, Alternate – Xiong
San Joaquin Valley Air Pollution Control District (SJVAPCD) Baines

Action Taken: Oral reports made

2. Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions

B. Consider Charter Review Committee recommendations, Items 1 - 55 – Council President Olivier

Action Taken: Process and noticing discussed/consideration of items to begin on 4/19/2012

(Council will review the 55 items in the report in numerical order and continue to subsequent meetings until the 55 items have been completed. Please note, some portions of the Charter Review Committee recommendations are subject to Mayor's veto.)

- C. * **RESOLUTION - Approving the "High Speed Rail Business Impact Initiative" and establishing the "High Speed Rail Relocation Division" of the City of Fresno and establish a City policy for streamlined timelines and guidelines for entitlement and land use processing for properties affected by high speed rail – Councilmember Westerlund**

Action Taken: Laid over to 4/19/2012

- D. **RESOLUTION - Of the Mayor and City Council of the City of Fresno supporting the 144th Fighter Wing and the conversion of the F-15s to ensure that the Air National Guard continues to thrive in the City of Fresno – Councilmember Westerlund**

Action Taken: Resolution No. 2012-65 adopted

4:30 P.M.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Lawrence Azevedo v. City of Fresno, et al. United States District Court Case No. 09-CV-00375 AWI DLB

Action Taken: Held

B. CONFERENCE WITH LEGAL COUNSEL-REAL PROPERTY NEGOTIATION - Government Code Section 54956.8

1. Economic Opportunity Commission EOC Neighborhood Youth Center/Gymnasium, 1802 E. California Street, Fresno CA 93702
POSSIBLE LITIGATION – Government Code Section 54956.9, Subdivision (b)
City of Fresno v. EOC, et al.

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M. Review and select a preferred alternative for the preparation of the 2035 Fresno General Plan Update – Development and Resource Management Department
Action Taken: Hearing held and closed; continued to 4/19/2012 for action

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr.	12 -		NO MEETING – EASTER BREAK
Apr.	19 -	1:00 P.M	MEETING
Apr.	19 -	1:15 P.M	HEARING – to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources
Apr.	19 -	1:30 P.M.	HEARING re: City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the Universally Accessible Park (Property located in District 1)
Apr.	19 -	5:00 P.M.	Selection of General Plan Preferred Alternatives
Apr.	26 –	10:15 A.M.	HEARING re: Plan Amendment No. A-11-14 and Rezone Application No. R-11-020, filed by Derrel's Mini Storage
May	3 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (Reception immediately following – 2nd floor foyer)
May	10-		NO MEETING – RECESS
May	17-	8:30 A.M	MEETING